

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

Kildee
28963

FILE: B-213455

DATE: July 31, 1984

MATTER OF: Eastern Trans-Waste Corp.

DIGEST:

Protest is dismissed as academic where procuring agency takes the corrective action urged by the protester.

Eastern Trans-Waste Corp. protested the proposed award of a contract to the fourth low bidder under invitation for bids No. N62477-83-B-8211 for the disposal of solid waste generated at the Naval Medical Center, Bethesda, Maryland. We dismiss the protest for the reasons stated below.

As a result of a change in local government policies announced after bids were opened, haulers were prohibited from dumping trash from the medical center into the landfill at an adjacent county, whose dumping fees were substantially lower than those of the county in which the medical center is located. Concerned that bidders' prices may have been based on the use of a landfill no longer available to them, the procuring agency asked each bidder to "verify" its bid. The three lowest bidders, including the protester, asked and were permitted to withdraw their bids; the fourth and fifth bidders confirmed their bid prices.

The Navy initially proposed to make award to the fourth low bidder. Eastern protested, arguing that in view of the change in circumstances after bid opening that the solicitation should be canceled and the requirement readvertised. Subsequently, the Navy did cancel the solicitation and has advised bidders that it will readvertise for the requirement. The protest therefore has become academic and is dismissed.

Richard R. Pierson
For **Harry R. Van Cleve**
Acting General Counsel

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